

Prob 12B

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

**PETITION TO MODIFY THE CONDITIONS OR TERM OF SUPERVISION
WITH CONSENT OF THE OFFENDER**

(Probation Form 49, Waiver of Hearing, is on file)

Offender Name: NICK VELARDE

Docket Number: 1:02CR05241-02 REC

Offender Address: El Monte, California

Judicial Officer: Honorable Oliver W. Wanger
Senior United States District Judge
Fresno, California

Original Sentence Date: September 23, 2003

Original Offense: 21 USC 843(b), Use of a Communication Facility in
Connection With a Drug Offense- 2 counts
(CLASS E FELONIES)

Original Sentence: 48 months Bureau of Prisons each; 12 months supervised
release;\$100 special assessment-each count, mandatory
drug testing

Special Conditions: 1) Search; 2) Alcohol and Drug Treatment; 3) Alcohol and
Drug Testing; 4) No paging device or cellular phone;
5) Drug Offender Registration.

Type of Supervision: Supervised Release

Supervision Commenced: June 5, 2009 (Projected)

Assistant U.S. Attorney: Kevin P. Rooney **Telephone:** (559) 497-4000

Defense Attorney: Anthony P. Capozzi **Telephone:** (559) 221-0200

Other Court Action: None

RE: NICK VELARDE

Docket Number: 1:02CR05241-02 REC

**PETITION TO MODIFY THE CONDITIONS OR TERM
OF SUPERVISION WITH CONSENT OF THE OFFENDER**

PETITIONING THE COURT

To modify the conditions of supervision as follows:

The defendant shall submit to one drug test within 15 days of release on supervised release and at least two periodic drug tests thereafter, not to exceed four (4) tests per month, as directed by the probation officer pursuant to 18 USC 3583(d).

Justification: The United States Probation Office in the Central District of California (CD/CA) has accepted supervision of this offender's case, though not jurisdiction. Based on their review of the case, officials with the CD/CA probation office are requesting that the above-referenced condition be added to the offender's supervised release conditions. It is noted that the offender has acknowledged his willingness to modify his conditions by signing a Waiver of Hearing Modify Conditions of Supervised Release form, which is attached for the Court's review.

RE: NICK VELARDE
Docket Number: 1:02CR05241-02 REC
PETITION TO MODIFY THE CONDITIONS OR TERM
OF SUPERVISION WITH CONSENT OF THE OFFENDER

Respectfully submitted,

/s/ Leighann L. Milford

Leighann L. Milford
Senior United States Probation Officer
Telephone: (559) 499-5724

DATED: January 15, 2009
Fresno, California
LLM

REVIEWED BY: /s/ Hubert J. Alvarez
Hubert J. Alvarez
Supervising United States Probation Officer

THE COURT ORDERS:

- (X) Modification approved as recommended.
- () Modification not approved at this time. Probation Officer to contact Court.
- () Other:

IT IS SO ORDERED.

Dated: January 16, 2009

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE